

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY DeFRANCO,)	
)	
Plaintiff,)	
)	Civil Action No. 04-230-ERIE
V.)	
)	Judge Maurice B. Cohill, Jr.
SUPERINTENDENT WILLIAM WOLF;)	Mag. Judge Susan P. Baxter
STEVE REILLY; DENESE BRUNNER;)	
MANAGER ROD SHOWERS; CASE)	
MANAGER JUDY JACKSON;)	
DR. JOHN DOE; JANE DOE;)	
JEFFREY BEARD; ASSIST. SUPER.)	
WILLIAM BARR; MARILYN)	
BROOKS,)	
Defendants.)	

**MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION
FOR PARTIAL SUMMARY JUDGMENT**

AND NOW, come the defendants, by their attorneys, Thomas W. Corbett, Jr., Attorney General, Mary Lynch Friedline, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and in support of their Motion for Extension of Time to Respond to Plaintiff's Motion for Partial Summary Judgment, state the following::

1. Plaintiff has filed a Motion for Partial Summary Judgment on his retaliatory transfer claim (raised in the Second Amended Complaint).
2. Defendants' response to the Motion is due July 22, 2006.
3. Undersigned counsel is in the process of preparing a response to the motion, as well as a cross-motion for summary judgment which will cover not only the retaliatory transfer claim but also the other claims raised in plaintiff's complaints.

4. While it makes sense to combine defendants' response and cross motion and file them as one document, the cross motion involves a substantial number of exhibits and declarations which can not be finalized by the July 22, 2006 due date.

5. Accordingly, counsel for defendants respectfully requests a brief extension of time (ten days) to file defendants' response to the Motion for Partial Summary Judgment (including the Counterstatement of Material Facts Not in Dispute) and Cross-Motion for Summary Judgment.

WHEREFORE, defendants request an additional ten (10) days, until August 1, 2006, to file their response and cross-motion.

Respectfully submitted:

Thomas W. Corbett, Jr.
Attorney General

By: /s/ Mary Lynch Friedline
MARY LYNCH FRIEDLINE
Senior Deputy Attorney General
Attorney I.D. No. 47046
Susan J. Forney
Chief Deputy Attorney General
Litigation Section

Office of Attorney General
6th Fl., Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219
Date: July 20, 2006

CERTIFICATE OF SERVICE

I hereby certify that on July 20, 2006, I electronically filed the foregoing ***Motion for Extension of time to file Response to Motion for Partial Summary Judgment*** with the Clerk of Court using the CM/ECF system. This document will be mailed via U.S. mail to the following non CM/ECF participants:

Anthony DeFranco, CZ-3518
SCI-Albion
10745 Route 18
Albion, PA 16475-0001

By: /s/ Mary Lynch Friedline
MARY LYNCH FRIEDLINE
Senior Deputy Attorney General

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